

HOUSE BILL 858

F1, J1, F5

1lr1586

By: **Delegates Hixson, Barkley, Cardin, Cullison, Feldman, Frush, Gaines, Gilchrist, Holmes, Jameson, A. Kelly, Kramer, A. Miller, Mizeur, Morhaim, Niemann, Reznik, S. Robinson, Rosenberg, Summers, V. Turner, Waldstreicher, and Walker**

Introduced and read first time: February 11, 2011

Assigned to: Ways and Means and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Student Athletes – Concussions**

3 FOR the purpose of requiring the State Department of Education, in collaboration
4 with certain entities, to develop certain policies and to implement a certain
5 program to provide awareness to certain coaches, school personnel, student
6 athletes, and parents or guardians of student athletes on the risk of concussions
7 and head injuries; requiring a county board of education to provide a certain
8 information sheet to a certain student athlete and parent or guardian; requiring
9 a student athlete and parent or guardian to sign a certain statement; requiring
10 the Department to create a certain information sheet and acknowledgment
11 statement; authorizing the Department to use certain materials; requiring the
12 removal from play of certain athletes under certain circumstances; prohibiting
13 the return to play of certain athletes under certain circumstances until a certain
14 condition is met; requiring certain youth sports programs to provide certain
15 statements of compliance to certain county boards of education; granting certain
16 immunity to volunteer health care providers under certain circumstances;
17 defining certain terms; and generally relating to the development of policies and
18 the implementation of a program on concussions and head injuries.

19 BY adding to

20 Article – Education

21 Section 7–432

22 Annotated Code of Maryland

23 (2008 Replacement Volume and 2010 Supplement)

24 Preamble

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, A concussion is one of the most commonly reported injuries in
2 children and adolescents who participate in sports and recreational activities; and

3 WHEREAS, The Centers for Disease Control and Prevention estimates that as
4 many as 3,900,000 sports-related and recreation-related concussions occur in the
5 United States each year; and

6 WHEREAS, A concussion is a type of brain injury that may range from mild to
7 severe and can disrupt the way the brain normally works; and

8 WHEREAS, A concussion may occur in any organized or unorganized sport or
9 recreational activity and may result from a fall or from players colliding with each
10 other, the ground, or other obstacles; and

11 WHEREAS, A concussion may occur with or without loss of consciousness, but
12 the vast majority occurs without loss of consciousness; and

13 WHEREAS, Continuing to play with a concussion or symptoms of head injury
14 leaves a young athlete especially vulnerable to greater injury and even death; now,
15 therefore,

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Education**

19 **7-432.**

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
21 MEANINGS INDICATED.

22 (2) “CONCUSSION” MEANS A TRAUMATIC INJURY TO THE BRAIN
23 CAUSING AN IMMEDIATE AND, USUALLY, SHORT-LIVED CHANGE IN MENTAL
24 STATUS OR AN ALTERATION OF NORMAL CONSCIOUSNESS RESULTING FROM:

25 (I) A FALL;

26 (II) A VIOLENT BLOW TO THE HEAD OR BODY; OR

27 (III) THE SHAKING OR SPINNING OF THE HEAD OR BODY.

28 (3) “STUDENT ATHLETE” MEANS AN INDIVIDUAL WHO IS UNDER
29 THE AGE OF 18 YEARS OR WHO IS A PHYSICALLY OR MENTALLY DISABLED
30 INDIVIDUAL OF ANY AGE WHO PARTICIPATES IN AN ATHLETIC ACTIVITY IN
31 ASSOCIATION WITH:

1 (I) AN EDUCATIONAL INSTITUTION; OR

2 (II) A NONINTERSCHOLASTIC YOUTH SPORTS PROGRAM
3 CONDUCTED:

4 1. AT A PUBLIC SCHOOL FACILITY; OR

5 2. BY A RECREATIONAL ATHLETIC ORGANIZATION.

6 (4) "VOLUNTEER HEALTH CARE PROVIDER" MEANS A LICENSED
7 HEALTH CARE PROVIDER WHO EVALUATES A STUDENT ATHLETE UNDER
8 SUBSECTION (C)(2) OF THIS SECTION WITHOUT RECEIVING A FEE OR OTHER
9 COMPENSATION.

10 (5) "YOUTH SPORTS PROGRAM" MEANS A PROGRAM ORGANIZED
11 FOR RECREATIONAL ATHLETIC COMPETITION OR INSTRUCTION FOR
12 PARTICIPANTS WHO ARE:

13 (I) UNDER THE AGE OF 18 YEARS; OR

14 (II) PHYSICALLY OR MENTALLY DISABLED REGARDLESS OF
15 AGE.

16 (B) (1) THE DEPARTMENT SHALL DEVELOP POLICIES AND
17 IMPLEMENT A PROGRAM TO PROVIDE AWARENESS TO COACHES, SCHOOL
18 PERSONNEL, STUDENT ATHLETES, AND THE PARENTS OR GUARDIANS OF
19 STUDENT ATHLETES, IN COLLABORATION WITH THE DEPARTMENT OF HEALTH
20 AND MENTAL HYGIENE, EACH COUNTY BOARD, THE MARYLAND PUBLIC
21 SECONDARY SCHOOLS ATHLETIC ASSOCIATION, THE MARYLAND ATHLETIC
22 TRAINERS' ASSOCIATION, THE BRAIN INJURY ASSOCIATION OF MARYLAND,
23 AND REPRESENTATIVES OF LICENSED HEALTH CARE PROVIDERS WHO TREAT
24 CONCUSSIONS, ON:

25 (I) THE NATURE AND RISK OF A CONCUSSION OR HEAD
26 INJURY;

27 (II) THE CRITERIA FOR REMOVAL FROM AND RETURN TO
28 PLAY;

29 (III) THE RISKS OF NOT REPORTING INJURY AND
30 CONTINUING TO PLAY; AND

1 (IV) APPROPRIATE ACADEMIC ACCOMMODATIONS FOR
2 STUDENT ATHLETES WHO ARE SUSPECTED OF SUSTAINING A CONCUSSION OR
3 HEAD INJURY.

4 (2) THE PROGRAM SHALL INCLUDE A PROCESS TO VERIFY THAT A
5 COACH HAS RECEIVED INFORMATION ON THE PROGRAM DEVELOPED UNDER
6 PARAGRAPH (1) OF THIS SUBSECTION.

7 (3) (I) BEFORE A STUDENT ATHLETE'S PARTICIPATION IN AN
8 ATHLETIC ACTIVITY, THE COUNTY BOARD SHALL PROVIDE A CONCUSSION AND
9 HEAD INJURY INFORMATION SHEET TO THE STUDENT ATHLETE AND A PARENT
10 OR GUARDIAN OF THE STUDENT ATHLETE.

11 (II) THE STUDENT ATHLETE AND THE PARENT OR
12 GUARDIAN OF THE STUDENT ATHLETE SHALL SIGN A STATEMENT
13 ACKNOWLEDGING RECEIPT OF THE INFORMATION SHEET.

14 (III) THE DEPARTMENT SHALL CREATE THE INFORMATION
15 SHEET AND ACKNOWLEDGMENT STATEMENT REQUIRED UNDER THIS
16 PARAGRAPH.

17 (4) THE DEPARTMENT MAY USE MATERIALS AVAILABLE FROM
18 THE CENTERS FOR DISEASE CONTROL AND PREVENTION, THE BRAIN INJURY
19 ASSOCIATION OF MARYLAND, OR ANY OTHER APPROPRIATE ENTITY TO CARRY
20 OUT THE REQUIREMENTS OF THIS SUBSECTION.

21 (C) (1) A STUDENT ATHLETE WHO IS SUSPECTED OF SUSTAINING A
22 CONCUSSION OR OTHER HEAD INJURY IN A PRACTICE OR GAME SHALL BE
23 REMOVED FROM PLAY AT THAT TIME.

24 (2) A STUDENT ATHLETE WHO HAS BEEN REMOVED FROM PLAY
25 MAY NOT RETURN TO PLAY UNTIL THE STUDENT ATHLETE HAS OBTAINED
26 WRITTEN CLEARANCE FROM A LICENSED HEALTH CARE PROVIDER TRAINED IN
27 THE EVALUATION AND MANAGEMENT OF CONCUSSIONS.

28 (D) BEFORE THE FIRST USE OF A PUBLIC SCHOOL FACILITY, A YOUTH
29 SPORTS PROGRAM SHALL PROVIDE TO THE COUNTY BOARD A STATEMENT OF
30 COMPLIANCE WITH THE REQUIREMENTS FOR THE MANAGEMENT OF A
31 CONCUSSION OR OTHER HEAD INJURY OF A STUDENT ATHLETE UNDER
32 SUBSECTIONS (B) AND (C) OF THIS SECTION.

33 (E) A VOLUNTEER HEALTH CARE PROVIDER WHO AUTHORIZES A
34 STUDENT ATHLETE TO RETURN TO PLAY UNDER SUBSECTION (C)(2) OF THIS
35 SECTION IS NOT LIABLE FOR CIVIL DAMAGES RESULTING FROM ANY ACT OR

1 OMISSION IN THE RENDERING OF THE HEALTH CARE, OTHER THAN ACTS OR
2 OMISSIONS CONSTITUTING GROSS NEGLIGENCE OR WILLFUL OR WANTON
3 MISCONDUCT.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2011.